

RESOLUTIONS

1947: Yeas 22, Nays 5; at request of House, Senate appointed Conference Committee to consider differences between two Houses; Senate adopted Conference Committee Report, June 5, 1947: Yeas 23, Nays 3.

Approved June 17, 1947.

To be voted at election to be held Nov. 1948.

CONSTITUTIONAL AMENDMENT—ART. 16, § 15

H. J. R. No. 13

Amending Section 15 of Article XVI of the Constitution of the State of Texas, by adding thereto a provision that the husband and wife from time to time may in writing partition between themselves in severalty or into undivided interests all or any part of their community property, whereupon without prejudice to the right of existing creditors the portion or interest set aside to each spouse shall be and constitute a part of the separate property of such spouse; further providing that such Constitutional Amendment if adopted shall be self-operative and self-executing; providing for the submission of this Amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 15 of Article XVI of the Constitution of the State of Texas be amended so as to read as follows:

"Section 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of the wife; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband; provided that husband and wife, without prejudice to pre-existing creditors, may from time to time by written instrument as if the wife were a feme sole partition between themselves in severalty or into equal undivided interests all or any part of their existing community property, or exchange between themselves the community interest of one spouse in any property for the community interest of the other spouse in other community property, whereupon the portion or interest set aside to each spouse shall be and constitute a part of the separate property of such spouse.

This Amendment is self-operative, but laws may be passed prescribing requirements as to the form and manner of execution of such instruments, and providing for their recordation, and for such other reasonable requirements not inconsistent herewith as the Legislature may from time to time consider proper with relation to the subject of this Amendment. Should the Legislature pass an Act dealing with the subject of this Amendment and prescribing requirements as to the form and manner of the execution of such instruments and providing for their recordation and other reasonable requirements not inconsistent herewith and anticipatory hereto, such Act shall not be invalid by reason of its anticipatory character and shall take effect just as though this Constitutional Amendment was in effect when the Act was passed."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held throughout the State on the second day of November, 1948, at which election all voters favoring said proposed Amendment shall write or have printed on their ballots the words:

50TH REGULAR SESSION

"FOR the Amendment to the Constitution of the State of Texas providing that husband and wife from time to time may in writing partition between themselves in severalty or into undivided interests community property existing at the time of partition so as to convert same into separate property of the respective spouses without prejudice to the rights of pre-existing creditors."

Those opposing said proposed Amendment shall write or have printed on their ballots the words:

"AGAINST the Amendment to the Constitution of the State of Texas providing that husband and wife from time to time may in writing partition between themselves in severalty or into undivided interests community property existing at the time of partition so as to convert same into separate property of the respective spouses without prejudice to the rights of pre-existing creditors."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution for amendments thereto.

Adopted by House, April 1, 1947: Yeas 109, Nays 15; adopted by Senate, May 15, 1947: Yeas 23, Nays 4.

Approved May 29, 1947.

To be voted at election to be held Nov. 2, 1948.

CONSTITUTIONAL AMENDMENT—AD VALOREM TAX FOR STATE
GENERAL REVENUE

H. J. R. No. 24

Proposing an Amendment of Section 1-a of Article VIII of the Constitution of Texas to provide that no ad valorem tax shall be levied for State general revenue purposes after January 1, 1951, and authorizing the several counties to levy additional ad valorem taxes for certain purposes, providing for a Three Thousand Dollars (\$3,000) residential homestead exemption, and providing for tax levies in counties having tax donations; providing for submission to the qualified electors and for the necessary proclamation by the Governor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 1-a of Article VIII of the Constitution be amended so as to be and read as follows:

"Section 1-a. From and after January 1, 1951, no State ad valorem tax shall be levied upon any property within this State for general revenue purposes. From and after January 1, 1951, the several counties of the State are authorized to levy ad valorem taxes upon all property within their respective boundaries for county purposes, except the first Three Thousand Dollars (\$3,000) value of residential homesteads, not to exceed thirty cents (30¢) on each One Hundred Dollars (\$100) valuation, in addition to all other ad valorem taxes authorized by the Constitution of this State, provided the revenue derived therefrom shall be used for construction and maintenance of Farm to Market Roads or for Flood Control, except as herein otherwise provided.

"Provided that in those counties or political subdivisions or areas of the State from which tax donations have heretofore been granted, the State Automatic Tax Board shall continue to levy the full amount of the State ad valorem tax for the duration of such donation, or until all legal obligations heretofore authorized by the law granting such donation or donations shall have been fully discharged, whichever shall first occur; provided that if such donation to any such county or political subdivision is for less than the full amount of State ad valorem taxes so